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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91173215
Applicant	Defendant IBA CONSULTANTS, INC.
Other Party	Plaintiff ISRAEL BERGER & ASSOCIATES, INC.

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, IBA CONSULTANTS, INC. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

IBA CONSULTANTS, INC. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

IBA CONSULTANTS, INC. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,
/s/ Robert E. Pershes
Robert E. Pershes
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11/09/2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ISRAEL BERGER & ASSOCIATES, INC.)	OPPOSITION No. 91173215
)	SERIAL NO. 78/842,037
OPPOSER,)	
)	
vs.)	
)	
IBA CONSULTANTS, INC.)	
)	
APPLICANT.)	

UNOPPOSED MOTION TO CONSOLIDATE AND SUSPEND OPPOSITION

Applicant, IBA Consultants, Inc. (“Applicant”), by and through undersigned counsel and pursuant to 37 C.F.R. § 2.117 and Rules 510 and 511 of the Trademark Trial and Appeal Board Manual of Procedure, hereby files its Unopposed Motion to Consolidate and Suspend Opposition, and in support, states as follows:

1. There are currently four Opposition proceedings pending between the Applicant and Opposer of this matter. Those proceedings are identified below:

Opposition No.	Serial No.	Mark At Issue	Relevant Goods/Services
91173214	78/811,816	IBA (word mark)	Engineering, consulting, inspection and testing services for glass and glazing systems, wall cladding, roofing and waterproofing and for compliance with building codes
91173215	78/842,037		Same
91173431	78/811,827	IBA CONSULTANTS (word mark)	Same
91173432	78/842,014		Same

2. The Applicant and Opposer are identical in each of the above Oppositions, where the issue is the parties' rights to use the mark "IBA" in connection with the identified services. These four Oppositions contain common questions of law and fact and, therefore, should be consolidated and heard as one matter.

3. Applicant and Opposer are currently engaged in litigation pending in the United States District Court for the Southern District of Florida, in case no. 06-80542-HURLEY/HOPKINS, styled *IBA Consultants, Inc. v. Israel Berger & Associates, and Israel Berger*. One of the central issues of this case is the parties' rights to use the mark "IBA." The resolution of this issue in the pending litigation should also resolve some or all of the issues raised in this Opposition.

4. The undersigned is authorized to represent that Opposer consents to the relief sought in this Motion.

5. Accordingly, Applicant IBA Consultants, Inc. moves this Board to consolidate the four Opposition proceedings identified in the table above, and to suspend the consolidated matter pending the resolution of the federal litigation.

Respectfully submitted,

/s/ Robert E. Pershes
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CERTIFICATE OF MAILING UNDER 37 CFR§1.8

I HEREBY CERTIFY that this correspondence is being electronically filed with the Assistant Commissioner for Trademarks, with a copy faxed and mailed to Mark E. Stein, Esq., Lott & Friedland, P.A., 355 Alhambra Circle, Suite 1100, Coral Gables, FL 33134 on November 9, 2006.

/s/ Robert E. Pershes

Robert E. Pershes

USPTO Reg. No. 35,641

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